

ORIGINAL

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

FEB - 6 2018

3:56

CLERK, U.S. DISTRICT COURT  
By                       
DeputyUNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXASCQUENTIA SERIES, LLC AND  
HTG SERIES, a series declared by  
CQUENTIA SERIES, LLC*Plaintiffs,*

v.

CHANNEL (H), INC., AND ROBERT  
CAPELLI,*Defendants.*

Case No.: 4:17-cv-00919-A

State Court Case No. 348-295398-17

**DECLARATION OF  
ROBERT CAPELLI**

I, Robert Capelli, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the Chief Executive Officer of Plaintiff Channel (H), Inc. ("Channel (H)"). I make this declaration in support of Channel (H)'s Opposition to Plaintiffs' Joint Motion to Remand. I have personal knowledge of all matters stated herein, or I am familiar with the facts and circumstances of the instant action based upon records and files maintained by Channel (H), or upon publicly-available and generally verifiable records. If called as a witness could and would testify to the matters set forth herein.

2. I am aware that Plaintiffs' claim that I am a resident of California. This is not correct. Although I lived in California from 1998 to 2015, I moved to Amesbury, Massachusetts in August 2015.


3. At the time of the removal of this action on November 15, 2017, I was residing in Amesbury, Massachusetts, as my full-time, permanent residence and domicile.

4. A true and correct copy of my driver's license is annexed hereto as **Exhibit A**.

5. A true and correct copy of a recent bill, which displays my address is annexed hereto as **Exhibit B**.

6. Alan Meeker communicated to me that the UCSD account was worth over \$150 million over five years. Plaintiffs licensed Channel (H)'s preauthorization software solution to service the UCSD account, and have admitted to replacing Channel (H)'s "preauthorization software solution" with their own "preauthorization software solution." [Pet., ¶ 24]. A true and correct copy of an email from Alan Meeker to Robert Capelli, dated July 1, 2017, is annexed hereto as **Exhibit C**.

Dated: January 4, 2018  
Amesbury, Massachusetts

DocuSigned by:  
  
3EE2A1D095A2453...  
ROBERT CAPELLI

# Exhibit A

# MASSACHUSETTS

## DRIVER'S LICENSE



4a ISS

05/12/2017

4b EXP

2021

12 REST

NONE

4d NUMBER

3 DOB

9a END

NONE

1 CAPELLI  
2 ROBERT EUGENE

AMESBURY, MA 01913

15 SEX M

16 HGT 5'-10"

17 WGT 160

Rev 02/22/2016

5 DO

*Chris C. Dwyer* REGISTRAR

*Robert Capelli*

# Exhibit B





ANNA JAQUES HOSPITAL

24 Morrill Place Amesbury, MA 01913

ROBERT EUGENE CAPELLI

AMESBURY MA 01913

# Exhibit C

From: **Alan Meeker** <[alan@cquentia.com](mailto:alan@cquentia.com)>  
Date: Sat, Jul 1, 2017 at 1:04 AM  
Subject: Contact  
To: "[robert@channelh.co](mailto:robert@channelh.co)" <[robert@channelh.co](mailto:robert@channelh.co)>

Robert

Just you and me here.

May we please have transparency here? Our UCSD account is worth in excess of \$150million over the next 5 years. If we are going to miss a go live target, that's ok, we just need to set people's expectations.

Please contact Kenny soonest.

Regards,  
**D. Alan Meeker**  
Chief Executive Officer



cid:image002.png@01D0DB70.E061

**4770 Bryant Irvin Court, Suite 300**  
**Fort Worth, Texas 76107**  
**Telephone – 682-200-3028**  
**Facsimile – 817-887-1269**  
**Cellular - 817-307-2525**  
**[www.cquentia.com](http://www.cquentia.com)**

DISCLAIMER: This email does not constitute any agreement or signature by sender or sender's company that may be relied upon to transact or consummate any business whatsoever. Any representation herein to the contrary is hereby void and disclaimed. If there should be any conflict between any provision in the body of this email which conflicts with this Disclaimer, this Disclaimer shall control and remain superior. Notwithstanding any language or provision in the e-mail above or attachment hereto, this e-mail and all other electronic (including voice) communications from the sender or sender's firm are for informational purposes only. No such communication is intended by the sender to constitute either an electronic record or an electronic signature, or to constitute any agreement by the sender to conduct a transaction by electronic means or any other means. Any such intention or agreement is hereby expressly disclaimed.